

Case 3:07-cv-00976 Document 10-4 Filed 06/12/2007 Page 1 of 3
Trey Cox

From: David S. Gingras [dsg@jaburgwilk.com]
Sent: Tuesday, June 12, 2007 6:23 PM
To: Trey Cox
Cc: Maria Crimi Speth; Laura A. Rogal; kpannell@mccrearylaw.com; Jeff Seeburger
Subject: RE: GW Equity v. Xcentric Ventures, LLC

Trey,

Thank you for asking, but the client simply will not allow us to accept service, so even if I wanted to, I cannot agree to do so.

As for my reference to your knowledge that we represented Xcentric and Ed Magedson, I was referring to your statement: "I am sending you the attached correspondence because you because you have previously represented Ed Magedson, Xcentric Ventures, LLC, Ripoffreport.com or badbusinessbureau.com."

In any case, yes, we will be representing Xcentric and Magedson in the litigation filed by GW Equity. However, neither Xcentric nor Magedson have agreed to waive service.

I understand that you have been out of the office today. I also tried to call GWE's other counsel, Kristen Pannell, but she has not returned my call. To be clear -- we need to have full and complete copies of the transcripts referenced in my email below by the end of business today. If we do not receive them, we will have no choice but to file an emergency motion tomorrow which explains to the court that we have attempted to receive these directly from the court reporter but that GWE has blocked our efforts to do so. I hope this will be unnecessary.

David S. Gingras, Esq.
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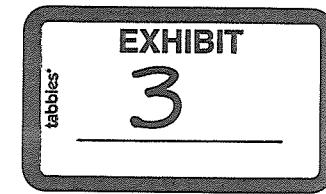
From: Trey Cox [mailto:tcox@lynllp.com]
Sent: Tuesday, June 12, 2007 3:45 PM
To: David S. Gingras
Cc: Maria Crimi Speth; Laura A. Rogal; kpannell@mccrearylaw.com
Subject: RE: GW Equity v. Xcentric Ventures, LLC

David:

I just walked back into the office after being out all day.

I did not know that you represented Xcentric and Ed Magedson. In fact, your email said that you did not have authority to accept service and was silent as to representation.

6/12/2007



I will look into the transcript issue.



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From: David S. Gingras [mailto:dsg@jaburgwilk.com]
Sent: Tuesday, June 12, 2007 1:06 PM
To: Trey Cox
Cc: Maria Crimi Speth; Laura A. Rogal; kpannell@mccrearylaw.com
Subject: GW Equity v. Xcentric Ventures, LLC

Mr. Cox,

As you are aware from my email to you last Friday, June 8, 2007, this firm represents Xcentric Ventures, LLC and Ed Magedson with respect to the litigation pending in the US District Court in Texas brought by your client, GW Equity, LLC ("GWE").

Included among the materials you filed with the court were partial/incomplete copies of deposition transcripts of Mr. Dickson Woodard relating to another case which GWE is prosecuting against Mr. Woodard.

Because these transcripts were not complete, yesterday I contacted the court reporter who prepared them (Carla Shanks) and requested a complete transcript. Ms. Shanks informed me that she was unable to release the transcript without the consent of both parties (Woodard and GWE), and she promised that she would try to obtain that consent as soon as she could.

This morning I received a voicemail from Ms. Shanks in which she indicated that counsel for GWE has refused to allow her to release a complete transcript to me. It is my understanding that GWE has separate counsel in the case against Mr. Woodard who I have copied on this email, however, since you represent GWE in this case and since you have filed partial transcripts with the court, it is my position that you are obligated to authorize the release of the full and complete transcripts to me.

Please contact Ms. Shanks (and any other court reporters involved) immediately and inform her that GWE will agree to release any transcripts of Mr. Woodard to me. If we do not receive these transcripts by 5:00pm PST today, June 12, 2007, we intend to contact the Court, explain that GWE is withholding relevant information, and request an emergency order and any other appropriate relief.

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